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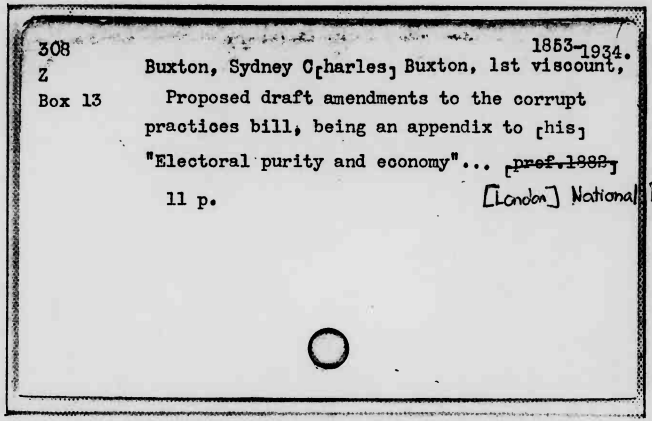
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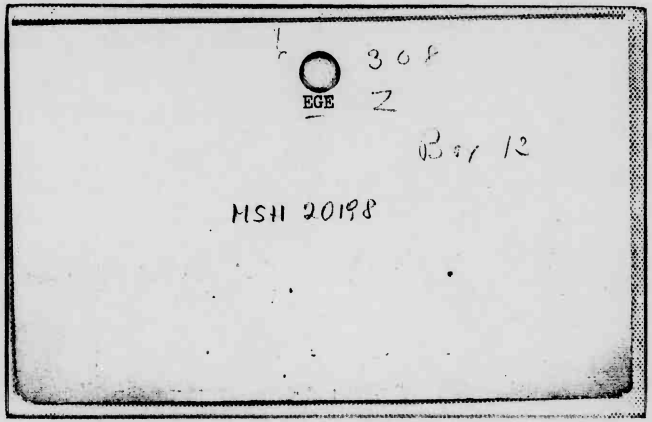
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PROPOSED

Draft Amendments

TO THE

CORRUPT PRACTICES BILL.

BEING AN

APPENDIX

TO

MR. SYDNEY BUXTON'S

"Electoral Purity and Economy."

PUBLISHED BY THE LONDON AND COUNTIES LIBERAL UNION.

PUBLISHED BY

THE NATIONAL PRESS AGENCY, LIMITED,

13, *Whitefriars Street, E.C.*

PRICE ONE PENNY.

Proposed Amendments to the Corrupt Practices Bill.

The Clauses and Sections proposed to be inserted are not drawn up in prolix, Act-of-Parliament English; their sense only is intended to be given. It would be easy for anyone desiring to move the Amendments to draft them properly.

The grounds on which these diverse amendments are supported will be found in my paper, *Electoral Purity and Economy* published by the London and Counties Liberal Union, 18 Walbrook, and in an article on the Corrupt Practices Bill, *Contemporary Review*, May, 1881.

SYDNEY C. BUXTON.

15, Eaton Place, March, 1882.

CONTENTS.

		PAGE
I.	Sections Proposed to be Omitted	5
II.	Sections Proposed to be Amended or Inserted :—	5
	(*a*) Betting	5
	(*b*) Employment	6
	(*c*) Illegal Expenditure	6
	Limitation on Number of Firms Employed	6
	Polling Cards	6
	Stamped Replies	6
	(*d*) Polling Cards; Returning Officer	6
	(*e*) Conveyance	6
	(*f*) Certificate of Indemnity to Protect against Cost of Election Petition	7
	(*g*) Prohibition against Unseated Member taking Part in Subsequent Election	7
	(*h*) Special Commission not Barred by Petition ...	7
	(*i*) Appointment of Election Commissioners in every Case of Successful Petition.	7
	(*j*) Report of Special Commissioner, if adverse, to be followed by Royal Commission ...	8
	(*k*) Suspension of Writ	8
	(*l*) Prosecution of Guilty Persons	8
	(*m*) Issue of New Writ	8
	(*n*) Instructions to the Election Commissioners....	9
	(*o*) Action of Attorney-General in Cases in which Petition Unsuccessful	9
	(*p*) Joint Candidatures	10
III.	Schedules	10-11
	(*a*) Employment for Payment	10
	(*b*) Legal Expenses	11
IV.	Returning Officer's Expenses	11
V.	Canvassing	11

Proposed Amendments

TO THE

CORRUPT PRACTICES BILL.

I. Sections Proposed to be Omitted :—

S. 6. (*d*)—S. 9, all—S. 14, as far as it refers to maximum scale—S. 17, (1) l. 16, omit "candidate or his."—S. 25, omit (1)—S. 28, (1) l. 35, omit "from whom any committee-room. . . . candidate."—S. 32, all.

First Schedule (3) l. 9, omit "not being electors."—Second Schedule (7) l. 27, omit all words after " . . miscellaneous matter " to " by this Act."—Maximum Scale, omit all.

II. Sections Proposed to be Amended or Added :—

Betting

After S. 1, *a new Section* :—(1) Any person who lays a wager on the success or the defeat of a candidate is guilty of an illegal practice, and his vote shall be void.

(2) If in the opinion of the Election Judges any person has systematically wagered with a view of influencing the election he is guilty of a corrupt practice.

S. 2, *l.* 26 :—After " treating " add the words " or betting."

Employment

After S. 6 (2), *add as* (3) :—No person may be employed for payment, for the purposes of an election, before the day on which the dissolution of Parliament is formally notified by the Prime Minister for the time being, or someone acting on his behalf, to the Speaker of the House of Commons.

Illegal Expenditure

S. 7, (1) *between* (*c*) *and* (*d*) *add* :—To more than two firms or shops for the purchase or supply of matter mentioned in Schedule II. 3 *and* 4 (*new*)—[namely, stationery, printing, printed matter.]

To follow above :—For sending out polling-cards containing the number on the register and information with regard to polling.

To follow above :—For sending under cover an enclosure, stamped or otherwise, to be returned by the recipient.

Polling-cards

After S. 7, *a new Section* :—It shall be the duty of the Returning Officer to send to each elector, on some convenient day before the poll, a Notice informing him of his number on the register, his polling-place, date and hours of poll.

Conveyance

After S. 7, *a new Section* :—(1) Any person who conveys an elector to the poll, or is conveyed, except in a conveyance in which he has a *bonâ fide* beneficial interest, is guilty of an illegal practice, and his vote shall be void.

(2) Any elector who, by reason of sickness or infirmity, is, in the opinion of an authorized medical practitioner, physically incapable of walking to the poll, may, on production of a doctor's certificate, call upon the Returning Officer—due notice being given—to provide for him some conveyance to convey him to and from the poll.

(3) It shall be the duty of the Returning Officer, in such cases, to provide a proper conveyance, and charge the same to the "official expenses." He shall take reasonable care, in arranging for the conveyances, to incur as little expense as possible.

Certificate of Indemnity to protect against Cost of Election Petition

S. 33 *add as* (3) :—A certificate of indemnity given under Sec. 51 shall, however, be sufficient protection against any of the penalties mentioned in this Section.

Prohibition against Unseated Member taking part in subsequent Election

After S. 34, *a new Section* :—If any person who has been unseated for corrupt or illegal practices through his agent, and who has not been scheduled, takes any part in the subsequent election he commits a corrupt practice.

Special Commission not barred by Petition

S. 36, *after* (1) *new Sub-section.*—This Section is in no way barred by the filing or trial of an election petition, and is independent of whether or no there has been such filing or trial.

Appointment of Election Commissioners in every case of successful Petition

After S. 38, *a new Clause* :—(1) (*a*) In every case of a Petition Trial in which the judge or judges unseat the respondent for illegal or corrupt practices committed by himself or through his agents, it shall be the duty of the Attorney-General, at the earliest convenient day, to lay upon the table of the House of Commons the names of three barristers [status, etc., in accordance with the Act of June 30th, 1852] as Royal Commissioners to be appointed to inquire into the corrupt and illegal practices which prevailed at the late election, or any previous election. [See Act of 1852.]

(*b*) If the names be not challenged within one month, the Attorney-General shall appoint these persons as Election Commissioners. If the names be challenged, the Attorney-General shall, within a period of one month, move that these, or such other persons as he names, shall be appointed as Election Commissioners; and the House shall thereupon appoint these persons, or some other three persons possessing the required qualifications, as Royal Commissioners.

Report of Special Commissioner if adverse, to be followed by Royal Commission

(2) If a Special Commissioner (mentioned in Sec. 36) reports that, to the best of his knowledge, corrupt and illegal practices "extensively prevailed," it shall be the duty of the Attorney-General (acting in accordance with the instructions contained in the Act of 1852) to move for the appointment of a Royal Commission to inquire into the matter.

Suspension of Writ

(3) (*a*):—The writ shall in every case be suspended until after the Election Commission, appointed under the above Sections, shall have reported.

Prosecution of Guilty Persons

(*b*) If, in the opinion of the Attorney-General, there is evidence sufficient (contained in the report of the Royal Commission or elsewhere) to justify and support a prosecution against any persons reported as guilty of corrupt or illegal practices by the Election Court, the Election Commissioners, or the Special Commission, the writ shall be still further suspended, until after the prosecutions have taken place.

(*c*) In such cases as he intends to prosecute, it shall be the duty of the Attorney-General to institute proceedings at the earliest convenient date.

Issue of New Writ

(4) It shall be the duty of the Attorney-General, at the earliest convenient opportunity after the Election Commissioners have reported, or, where prosecutions are instituted, after they have been decided, to move for the issue of a new writ, [the persons scheduled by the Election Commission being, under

Secs. 25 and 27, incapacitated from taking part in the subsequent election].

Instructions to the Election Commissioners

(5) *Sec.* VI. *of Act of* 1852 (15 *and* 16 *Vic., cap.* 57) shall be repealed so far as it relates to the instructions given to the Commissioners; and the instructions given to the Election Commissioners shall run as follows (the proposed additions being *italicised*):—"Such Commissioners shall, by all such lawful means as to them appear best, with a view to the discovery of the truth *and to the subsequent punishment of the guilty*, inquire into the manner in which the election . . . . . has been conducted; and whether any corrupt *or illegal* practices have been committed at such election . . . . . *and if in the course of their inquiries it appears to them that any of the candidates, agents, or chief workers at the election were guilty of corrupt or illegal practices, they shall take especial care not to call and indemnify all or any of these persons. And, generally, they are to call and indemnify as few of the bribers as possible consistently with a substantial revelation of the corrupt or illegal practices which prevailed* . . . . they shall report to Her Majesty the evidence taken by them, and what they find concerning the premises, and especially such Commissioners shall report with respect to each election the names of the persons [not 'of *all* persons'] whom they find to have been guilty of corrupt or illegal practices . . . . and all other things whereby, in the opinion of the Commissioners, the truth may be known, *and the guilty punished.*"

Action of Attorney-General in cases where Petition unsuccessful

After S. 52, *add as* (6):—Where the Election Commission reports as above (Sec. 52), but does not unseat the respondent to the petition, it shall be the duty of the Attorney-General to take immediate action against those reported by the Election Court as having been guilty, and not indemnified; but where the member is unseated (and consequently the appointment of a Royal Commission will necessarily follow) he is to take no action until after the Commission also has reported to him.

Joint Candidatures

In S. 56.—The expression "joint candidature" means two candidates signing the same address, addressing the same meetings, canvassing together, having the same agent, all or any of these actions, or who, in the opinion of the Election Judges, are standing together.

FIRST SCHEDULE.

To run as follows:—

PERSONS LEGALLY EMPLOYED FOR PAYMENT.

Employment for Payment

I. For a single candidate. (1) One election agent, and no more, who may or may not be an elector, but may not vote.

2. One polling agent in each polling station, and no more, who may or may not be an elector, but may not vote.

3. A number of clerks and messengers, who may or may not be electors, but may not vote, for conducting the business of the election, and not exceeding one clerk and one messenger for every 500 electors, from the day of the declaration of dissolution until two days before day of poll inclusive; on day before and day of poll the numbers may be increased to one clerk and one messenger for every 350 electors.

II. For joint candidatures. (1) and (2) the same.

(3) The proportionate numbers to be 400 and 300.

SECOND SCHEDULE.

To run as follows:—

LEGAL EXPENSES.

Legal Expenses

(1) The sums paid to the Returning Officer for his expenses.

(2) The personal expenses of the candidate.

(3) The expenses of printing and purchasing printed matter.

(4) The expenses of stationery.

(5) The expenses of advertising.

(6) The expenses of postage and telegrams.

(7) The expenses of holding public meetings.

(8) The expenses of a number of Committee Rooms, not exceeding (for single and for joint candidatures alike) one Committee-Room for each polling district in a county, and for every 750 electors in boroughs.

(9) Expenses in respect of miscellaneous matters.

Returning Officer's Expenses

The question of the incidence of the Returning Officer's expenses does not come within the scope of the Bill itself, but must be dealt with in a separate measure.

Canvassing

All reference to the prohibition of canvassing has also been here omitted.

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END OF
TITLE